

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT GERALD PLUMMER,

Petitioner,

Case No. 06-CV-15189

v.

HON. GEORGE CARAM STEEH

ANDREW JACKSON,

Respondent.

_____ /

ORDER STRIKING PETITIONER'S SUPPLEMENTAL BRIEF (#53)

On January 10, 2013, the court held an evidentiary hearing to further develop the facts related to petitioner Robert Gerald Plummer's ineffective assistance of counsel claim. At the conclusion of the hearing, pursuant to the agreement of the parties, the court set a briefing schedule. On February 5, 2013, upon the stipulation of the parties, the court extended the briefing schedule. The February 5, 2013 order provides that the extension is necessary due to petitioner's counsel's workload. The order sets a March 5, 2013 deadline for petitioner's reply brief. On March 11, 2013, the court received a supplemental post-hearing brief filed by petitioner Plummer, acting *pro se* (#53). However, petitioner is represented in this action by counsel. It appears petitioner is attempting to proceed in a "hybrid" fashion, both through counsel and *pro se* by way of his submission. See McKaskle v. Wiggins, 465 U.S. 168, 183 (1984). This court, in the exercise of its discretion, will not allow petitioner to proceed in a hybrid manner. see United States v. Mosely, 810 F.2d 93, 97-98 (6th Cir. 1987) (finding district court did not

abuse its discretion is disallowing hybrid representation). Petitioner's *pro se* submission is therefore stricken from the record.

IT IS SO ORDERED.

Dated: March 25, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 25, 2013, by electronic and/or ordinary mail and also on Robert Gerard Plummer #251303-(SMT), Parnall Correctional Facility, 1790 E. Parnall Road, Jackson, MI 49201.

s/Barbara Radke
Deputy Clerk